

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 511 of 2006 (M/B)

1. Gopal Singh s/o Mohan Singh
R/o Village Galua Danda,
Post Pasia Tehsil,
Molekhal, Almora.
2. Madhwanand Sharma s/o Kantimani
R/o Village Pasia (Nekra)
Tehsil Molekhal, Almora.
3. Mahesh Singh Bisht s/o Kundan Singh
R/o Village Vella, Post Biwail, Tehsil Molekhal,
Almora. Petitioner.

Versus

1. State of Uttaranchal
 2. Station House Officer,
Police Station, Bhatrojkhan,
Almora.
 3. Sunder Singh Rawat s/o Prem Singh
R/o T.T.C. Kumaon Motor Yatayat,
Ramnagar, Nainital Respondents
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Sri Tumul Nainwal, Advocate for the petitioners.
Sri D.K. Sharma, Government Advocate for respondents 1 and 2.

**Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.**

RAJEEV GUPTA, C.J. (Oral)

Sri Tumul Nainwal, Advocate for the petitioners.

Sri D.K. Sharma, Government Advocate for respondents 1 and 2.

They are heard.

2. The Petitioner have filed this writ petition for the following reliefs:
 - “A. Issue a writ, rule or direction in the nature of Certiorari calling for the record and quashing the impugned F.I.R. dated 24.04.2006 (Annexure 1) lodged by respondent no.3 under section 394 and 506 I.P.C. registered as case crime no. 73/06 in police station Bhatroj Khan Almora.
 - B. Issue a writ rule, order or direction in the nature of Mandamus granting stay of arrest to the petitioners till the

pendency of the present writ petition before this Hon'ble Court.

C. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.

D. Award cost of the petition in favour of the petitioners.”

3. Third respondent Sunder Singh Rawat lodged a report at Police Station Bhatrojkhan, district Almora giving rise to registration of the case at Crime No. 73 of 2006 for the alleged commission of the offence punishable under Sections 394 and 506 I. P. C. The accused persons are alleged to have committed the offence of robbery by snatching a sum of Rs. 8,000/- from a bus-conductor after assaulting him. The alleged incident of robbery took place at 5.30 p.m. on 24.04.2006 and the first informant after converging a distance of about 75 kms. lodged the F. I. R. on 25.04.2006 at 7.30 p.m.

4. On due consideration of the submission of the learned counsel for the parties and the serious nature of the allegations made against the accused persons in the F.I.R., we don not find any good ground for quashing the first information report and the case registered against the petitioners.

5. We are refraining from commenting on the merits of the case, lest it may adversely affect the petitioners' case at trial which they are yet to face.

6. However, in the event of petitioners' arrest or their surrender before the Court concerned, their bail applications shall be taken up for consideration expeditiously without any undue delay.

7. With the above observation, writ petition is disposed of.

(Prafulla C. Pant, J.)
02.05.2006

(Rajeev Gupta, C. J.)
02.05.2006

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